

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AGNES LAWSON, et al.,

Plaintiffs,

v.

PRAXIAR, INC., et al.,

Defendants.

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Civ. Action No. 16-2435-BRM-DEA

ORDER

THIS MATTER is opened to the Court on two Motions to Dismiss: (1) Third-Party Defendants Princeton Healthcare System and Princeton Healthcare System Holdings, Inc.’s (collectively, “Princeton Defendants”) Motion to Partially Dismiss (ECF No. 37) Defendants/Third-Party Plaintiffs Praxair Distribution, Inc. and Praxair Distribution Mid-Atlantic LLC’s (collectively, “Praxair Defendants”) Third-Party Complaint (ECF No. 11); and (2) Princeton Defendants’ Motion to Dismiss (ECF No. 39) Defendant/Third-Party Plaintiff Western/Scott Fetzer Company’s (“Western”) Third-Party Complaint (ECF No. 17). Praxair Defendants and Western oppose these Motions. The Court having reviewed the parties’ submissions in connection with these Motions and having held a status/settlement conference on January 5, 2017, for the reasons set forth on the record, with the consent of the parties, and for good cause shown,

IT IS on this 5th day of January, 2017,

ORDERED that the Motions to Dismiss (ECF Nos. 37 & 39) are **ADMINISTRATIVELY TERMINATED WITHOUT PREJUDICE**; it is

FURTHER ORDERED that Plaintiffs Agnes Lawson and Cassius Lawson (“Plaintiffs”), together with Princeton Defendants, Praxair Defendants, and Western shall participate in mediation with the Honorable Joel A. Pisano; it is

FURTHER ORDERED that the parties shall inform the Court if Judge Pisano is unavailable to mediate due to a conflict of interest, in which case the Court will assist the parties in selecting a new mediator; it is

FURTHER ORDERED that Plaintiffs, Princeton Defendants, Praxair Defendants, and Western shall split the costs of mediation equally, each paying 25% of the total costs; it is

FURTHER ORDERED that the parties shall promptly inform the Court of the results of mediation; it is

FURTHER ORDERED that discovery in this matter shall proceed, unless otherwise ordered by the Court; it is

FURTHER ORDERED that the telephonic conference with the Honorable Douglas E. Arpert set for January 10, 2017 at 3:00pm shall proceed as scheduled; and it is

FURTHER ORDERED that Defendants shall respond to Plaintiffs’ request for insurance information (previously served) by January 13, 2017.

/s/ Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
United State District Judge